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Defining Fake News

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Abstract: Fake news is a worrying phenomenon which is growing increasingly widespread, partly because of the ease with which it is disseminated online. Combating the spread of fake news requires a clear understanding of the nature of fake news. However, the use of the term in everyday language is heterogenous and has no fixed meaning. Despite increasing philosophical attention to the topic, there is no consensus on the correct definition of “fake news” within philosophy either. This paper aims to bring clarity to the philosophical debate of fake news in two ways: Firstly, by providing an overview of existing philosophical definitions and secondly, by developing a new account of fake news. This paper will identify where there is agreement within the philosophical debate of definitions of “fake news” and isolate four key questions on which there is genuine disagreement. These concern the intentionality underlying fake news, its truth value, the question of whether fake news needs to reach a minimum audience, and the question of whether an account of fake news needs to be dynamic. By answering these four questions, I provide a novel account of defining “fake news”. This new definition hinges upon the fact that fake news has the function of being deliberately misleading about its own status as news.

Keywords: bullshit, disinformation, fake news, lies, social epistemology

1 Introduction

The topic of fake news has garnered increasingly widespread attention both within and outside of academia since the term has risen to prominence in the context of the 2016 US presidential election and the Brexit referendum of the same year. The Collins Dictionary even named “fake news” its word of the year in 2017, citing a 365% increase in use as one of the reasons (Flood 2017). Because of its relative novelty and skyrocketing attention from numerous different vantage points, the term’s meaning remains disputed and its use in everyday language is wildly heterogenous.

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The phenomenon has also attracted growing attention within philosophy. While the use of “fake news” in philosophy is less divergent than in everyday language, there is an ongoing debate over its precise definition. This terminological uncertainty makes it harder to have constructive debates on the concept, since it is unclear if philosophers discussing “fake news” are actually discussing the same phenomenon.¹ While most philosophical papers aiming at a definition of “fake news” make reference to previous literature and definitions, it is getting increasingly harder to maintain a clear overview of competing definitions. For this reason, I will review the existing philosophical definitions of the term. This will give us a clearer idea of the ‘state of the art’ of the philosophical understanding of “fake news”.² My claim is that at a macro-level, there is no confusion about what “fake news” should describe: there is widespread agreement that fake news is in some way misleading information which is also falsely portrayed as news.

Nevertheless, there are also significant differences between the various philosophical definitions of “fake news”. Therefore, I will use my overview to isolate where there is disagreement among philosophical definitions of “fake news” and identify four key questions which remain controversial when discussing the concept. Every new account of fake news will need to provide a satisfying answer to these four questions. In answering them, I will provide my own novel definition of “fake news” and place it within the context of current philosophical debate.

2 Existing Definitions of “Fake News”

In order to take stock of the existing definitions of “fake news”, I have compiled two tables outlining their positions, showing how they concur or disagree with one another. The two tables show how fake news fulfils the two main conditions according to the different definitions: The ‘misleading condition’ (in what way is fake news misleading) and the ‘news condition’ (in what way does fake news present itself as news).

1 The terminological uncertainty surrounding the term “fake news” has even led some philosophers, such as Habgood-Coote (2019, 2020) to argue for the abandonment of the term outright. These calls have already been extensively argued against, most notably by Pepp, Michaelson, and Sterken (2019a). While I concur with Habgood-Coote’s detractors that abandonment is too drastic a call and remain positive about the prospect of conceptual analysis of the term, his concerns do highlight the need for more clarity regarding the definition of “fake news”.

2 It should be noted that Jaster and Lanius (2021) also provide an overview of existing definitions, albeit on a smaller scale.

Several things need to be noted about this division: 1. The nomenclature of ‘misleading condition’ and ‘news condition’ is my own and is not phrased this way in the individual definitions themselves 2. Both conditions have various sub-conditions which need to be fulfilled in order for the condition as a whole to be fulfilled 3. Some of the sub-conditions are only partially fulfilled by certain definitions or qualified in some way, which is indicated in the table with *italics*. While the definitions are predominantly philosophical, I have included some prominent non-philosophical definitions for comparison, as well as distinguishing between philosophical definitions addressed at an academic audience and definitions by philosophers aiming at a larger audience: see Tables 1 and 2 (p. 4–5).

Both conditions, as well as their respective sub-conditions, require further explication. Let us begin with the misleading condition: Regarding the misleading condition, one of the key questions is how fake news misleads its audience. I use “misleading” as a broad, catch-all term here, meant to include a variety of different speech acts including lying and (Frankfurtian) Bullshit, two concepts fake news is commonly associated with. This use of the term is somewhat idiosyncratic, since misleading is often defined as “success term”, something which would distinguish it from the act of lying (D’Agostini 2019, 57). “Misleading” in my sense is meant to be understood as an action rather than a property. A statement having the property of misleading means that it misleads its recipients. However, misleading as an action need not be successful, instead, it speaks to the intention of the person making the statement (namely, that they intend their statement to be misleading to its recipient). I opt for ‘misleading’ as a catch-all term rather than ‘deceptive’ for two reasons: First, deceiving is also often seen as a success term and second, its meaning is more narrow and would exclude certain cases of lying, which make it a less suitable candidate for a catch-all term for the various phenomena I am trying to capture (D’Agostini 2019).

Misleading as an action, understood in a broad sense, is therefore useful since it allows us to capture *both* lying and bullshit. There is a debate on whether fake news misleads either by lying or (Frankfurtian) bullshit or whether fake news misleads in a broader sense which includes both lying and bullshit. The difference between lying and bullshit lies in the speaker’s attitude towards the truth: Whereas the liar makes a statement they do not believe to be true, the bullshitter displays an “indifference to how things really are”, operating outside of the realm of truth altogether (Frankfurt 2005, 34).³

³ There are definitions of lying in which the liar need not make a statement they believe to be untrue, since they could also lie by omission or implicature (Rutschmann and Wiegmann 2017). I am sympathetic to such inclusive definitions of lying but will not take a stance on the correct

Table 1: The misleading condition of fake news.

Misleading condition Definitions (vertical)-sub- conditions (horizontal) <i>Italics indicate only partial or qualified support</i>	Misleading in a broad sense (including lies & bullshit)	Only lies	Only (Frankfurtian) bullshit	Fake news is propaganda and/or politically motivated	Fake news needs to be false (truth-value is relevant)	Motivation of publisher is relevant (& deliberately misleading)
Croce and Piazza (2021)	Yes	-	-	-	-	Yes
Dentith (2017)	Yes	-	-	-	-	Yes
Fallis and Mathiesen (2019)	Yes	-	-	-	-	Yes
Gelfert (2018)	Yes	-	-	-	-	Yes
Mukerji (2018)	(Yes)	-	Yes	-	Yes	Yes
Pepp, Michaelson, and Sterken (2019b)	Yes	-	-	-	-	-
Rini (2017)	-	Yes	-	-	-	Yes
Jaster and Lanius (2019)	Yes	-	-	-	Yes	Yes
Kuhla (2017)	Yes	-	-	Yes	-	-
McIntyre (2018)	Yes	-	-	Yes	Yes	Yes
O'Connor and Weatherall (2019)	Yes	-	-	Yes	Yes	-
Davies (2017) – <i>journalism</i>	-	Yes	-	-	-	-
Klein and Wueller (2017) – <i>law</i>	-	Yes	-	-	Yes	Yes
My definition	Yes	-	-	-	-	Yes

Croce and Piazza (2021) to Rini (2017) are philosophical definitions aimed at an academic audience. Jaster and Lanius (2019) to O'Connor and Weatherall (2019) are philosophical definitions aimed at a broader audience. Davies (2017) to Klein and Wueller (2017) are definitions outside of philosophy. Jaster and Lanius (2018, 2021) also present accounts of fake news aimed at an academic audience. Their representation in this table would however remain the same. Jaster and Lanius (2021) also offers a smaller scale overview of existing philosophical definitions, which includes Dentith (2017), Rini (2017), Gelfert (2018), and Mukerji (2018). See footnote 8 for a detailed account of why their position is featured in italics in the truth-value column, even though their position does allow for fake news which is not outright false.

Table 2: The news condition of fake news.

News condition Definitions (vertical)-sub- conditions (horizontal) <i>Italics indicate only partial or qualified support</i>	Fake news needs to imitate news in style and/or form	Fake news needs to be published	Fake news needs to be published online or on social media	Fake news allows for a satire/ humour exemption	Fake news needs to be consumed by a minimum amount of people	Fake news is a dynamic concept (a story's status as fake news can change over time)
Croce and Piazza (2021)	Yes	Yes	Yes	–	Yes	–
Dentith (2017)	Yes	Yes	–	–	Yes	–
Fallis and Mathiesen (2019)	Yes	Yes	–	Yes	–	–
Gelfert (2018)	Yes	Yes	–	Yes	Yes	Yes
Mukerji (2018)	Yes	Yes	–	Yes	–	–
Pepp, Michaelson, and Sterken (2019b)	Yes	Yes	Yes	Yes	Yes	Yes
Rini (2017)	Yes	Yes	Yes	–	Yes	–
Jaster and Lanius (2019)	Yes	Yes	–	Yes	–	–
Kuhla (2017)	Yes	Yes	–	–	–	–
McIntyre (2018)	Yes	Yes	–	Yes	–	–
O'Connor and Weatherall (2019)	Yes	Yes	Yes	–	–	–
Davies (2017) – <i>journalism</i>	Yes	Yes	Yes	–	–	–
Klein and Wueller (2017) – <i>law</i>	–	–	Yes	Yes	–	–
My definition	Yes	Yes	–	Yes	–	–

Croce and Piazza (2021) to Rini (2017) are philosophical definitions aimed at an academic audience. Jaster and Lanius (2019) to O'Connor and Weatherall (2019) are philosophical definitions aimed at a broader audience. Davies (2017) to Klein and Wueller (2017) are definitions outside of philosophy.

Rini (2017) defends the position that fake news misleads by lying. Such a position seems reasonable at first glance: It is not hard to imagine that the originators of fake news about Pizzagate, which accused Hillary Clinton of running a child prostitution ring in a Washington D.C. pizzeria during the 2016 US election, were lying (Robb 2016). However, while many fake news stories contain lies, an example which is often cited to show that some fake news stories are best characterized as bullshit is the case of Macedonian fake news farms, in which citizens of a small North Macedonian town started mass-producing fake news about the 2016 US presidential election (McIntyre 2018). Their motivation was not political but financial and aimed at gaining ad-revenue from the stories' spread on social media (Subramanian 2017). In this case, the producers of fake news acted as bullshitters, since they displayed an extreme indifference towards the truth. Mukerji (2018) argues that fake news is meant to be understood as a version of Frankfurtian bullshit.

Apart from Rini (2017) and Mukerji (2018), there is a strong consensus favouring the position that fake news is misleading in a broad sense, including both lies and bullshit. The consensus among philosophers is even stronger, since two of the three definitions which claim that fake news misleads only through lies are non-philosophical and there is only one definition (Mukerji 2018) which claims that fake news misleads exclusively through Frankfurtian bullshit. Mukerji (2018) seems to have a very broad understanding of Frankfurtian bullshit, one which includes most lies (but not pure lying). In this sense, his position is more compatible with a broader conception of misleading which includes both lying and bullshit. While I disagree with his interpretation of Frankfurtian bullshit, given that he includes almost all lies in it, this makes Mukerji's definition more compatible with a view which states that fake news misleads in a broad sense, with the disagreement being largely terminological. Since there are both cases in which fake news contains lies (such as Pizzagate) and cases in which fake news misleads through Frankfurtian bullshit (such as the example of Macedonian fake news farms), I concur with the consensus that fake news misleads in a broad sense which includes both lying and bullshit.

Another important question regards the truth value of fake news. While fake news is often false (again, Pizzagate might serve as good example for a false fake news story), it is unclear whether falsity is actually a necessary condition for fake news. Specifically, the question arises whether a fake news story could still be fake news even if its content is true. The answer to this question might depend

definition of lying in this paper. However, even if lying by omission or implicature are excluded from the category of lies, they would still fall under my category of "misleading in a broad sense" and I maintain that fake news can be misleading by lying by omission or implicature.

on how we evaluate the final sub-condition of the misleading condition, which is intentionality and specifically the question whether fake news has the intention to mislead. As with falsity, it might seem obvious that fake news has an intention to mislead. It might not be hard to argue that in *most* cases, fake news is intentionally misleading. But it is still not as easy to conclude from this that it is a necessary condition that fake news is intentionally misleading.

The fact that whether truth value and intentionality are necessary conditions of fake news are controversial questions is reflected in the table of the existing definitions. Unlike for the question of how fake news misleads, there is no consensus answer. While there is a slight majority favouring the view that falsity is not a necessary condition and the intention to deceive is, there is enough dissent that these positions cannot easily be accepted as consensus answers. As such, these questions remain controversial and unanswered. In the next section, I will analyse these key questions in more detail:

- *Is the truth value of fake news relevant? Does fake news have to be false or could a true story be fake news under certain circumstances?*
- *Is the intentionality underlying fake news relevant? Does fake news have to be deliberately misleading or could it also be produced accidentally?*

With respect to the news condition, there is widespread consensus that fake news needs to imitate news in style or form and that it needs to be published. Both appearance and publication are important criteria to consider for fake news, however, there is a strong agreement between virtually all definitions of fake news on this question.⁴ I can agree that fake news needs to imitate news in style or form to some extent and that it needs to be published. A private message or conversation, even if it is intentionally misleading and fulfils other criteria, should not be labelled “fake news”.

Two further points which may appear more controversial at first glance in the graph are not contentious. The first is the question whether fake news needs to be published online. Most arguing for this do not go as far as claiming that there was no fake news before the internet and that it is solely found online.⁵ Rather, they argue that fake news has become more prevalent because of the internet or that

⁴ Dentith (2017) does not include any mention of fake news needing to be published and/or resemble fake news in style or form. However, in a later paper, Dentith (2018) does admit this is an oversight and agrees to both conditions. His definition also mentions the need for an intended audience, although it is unclear whether he advocates for a minimum threshold of the size of this audience and there is no requirement for fake news to be successful in reaching its intended audience.

⁵ A historic example of fake news which precedes the social media age is the American news coverage which led to the Spanish-American War in 1898 (Campbell 2001).

fake news disseminated online is a special kind of fake news. These claims are much weaker and easier to reconcile with opposing views.

Another question is how to evaluate satirical works or parodies of news such as *The Onion*. Even though they seem to be fake news in a literal sense and the etymology of “fake news” might show that the term used to describe satire of news at some point in the past, it is unclear whether a satirical newspaper such as *The Onion* is genuinely meant to mislead at all (Fallis and Mathiesen 2019; McIntyre 2018). Luckily, a consensus should also be easy to find regarding the satire exemption: While there is a significant number of definitions which do not include such an exemption, there are none which explicitly argue against it. These accounts merely lack any discussion of satire.⁶ One can hope that these accounts would not be opposed to a satire exemption.

This leaves us with two questions which are genuinely controversial, which seem related to each other. The first is whether fake news needs to be consumed by a minimum audience in order to be considered “fake news”. Gelfert (2018), Pepp, Michaelson, and Sterken (2019b), and Rini (2017) are some of the philosophers arguing that we should only speak of “fake news” if a minimum audience threshold has been reached.⁷ The former two also offer the related claim that fake news is dynamic, which means its status as “fake news” can change over time. If a story is published and not viewed by anyone, it is not fake news yet, even if it fulfils other requirements for fake news. However, if it goes viral a week later and is reached by a larger audience, or at least passes a minimal threshold of people who have consumed it, then it becomes fake news. This view is quite staunchly defended by the accounts committed to it, especially Pepp, Michaelson, and Sterken (2019b) and will therefore require a more in-depth discussion as well. Within the news condition, these two questions remain controversial:

- *Does fake news need to be consumed by a minimum amount of people in order to be considered fake news?*
- *Is fake news dynamic? Can a story’s status as fake news change over time?*

In the next section, I will try to answer the remaining four questions and in doing so get closer to developing my own account of fake news.

⁶ Some accounts, such as McIntyre (2018), hint at agreeing to a satire exemption but don’t explicitly add it to their definition.

⁷ Rini (2017) does not directly argue that fake news needs to be consumed by a minimum amount of people. However, it has to be published with the goal of reaching a widespread audience (although it is not important whether that goal is achieved). Dentith (2018) and Croce and Piazza (2021), offer more qualified support for this notion as well.

3 Four Key Questions: Falsity, Intentionality, Minimum Audience and Dynamic Account

- *Is the truth value of fake news relevant? Does fake news have to be false or could a true story be fake news under certain circumstances?*

Fake news will often be false news. One of the primary concerns we have about fake news is that it leads to the spread of false information. But equating fake news to false news would be too broad. Consider the following case:

Lois: Lois, a journalist, publishes a story which she has carefully researched, claiming that there is a link between drinking a brand of soft drink X and an increased risk of cancer. Lois cites well-respected and peer-reviewed scientific sources to back the claims she makes in her story. Lois' intention here is to produce a factually accurate news story. However, a year after her story is published, it turns out that new scientific evidence has emerged, proving the sources cited in the original news story wrong, meaning that the claims made in her story are factually incorrect.

Despite her best intentions, Lois has published *false* news, meaning it contains factually inaccurate claims. Nevertheless, it would be wrong to charge this story with being “fake news”. Given the level of care invested in the research, it might even be wrong to judge this as bad journalism. But even if a journalist were to publish a story without having done their research as diligently, it is too harsh to label it “fake news” as long as the intention was to publish a factually accurate story. Therefore, not every false news story needs to be labelled “fake news”.

But the truth value of a story could still be relevant in deciding what to label “fake news” in a different way. Even if not all false news is fake news, it could be argued that no fake news can be true. In fact, this is what most philosophical definitions which believe the truth-value of fake news is important claim (such as Jaster and Lanius 2018; McIntyre 2018; Mukerji 2018).⁸ While this position holds more appeal than claiming all false news is fake news, it is still too broad. Consider the following scenario:

⁸ Jaster and Lanius' (2018) position is actually very nuanced: they argue that fake news lacks truth and truthfulness. But they acknowledge that a lack of truth does not merely mean that a statement needs to be false. They argue that a lack of truth can also include true statements, which are presented in a misleading way. But their view would exclude an example such as that of Howard (discussed below), in which a person publishes a fake news story which turns out to be completely true by pure chance (and against their intentions). This makes their view marginally different from my own, where Howard's example counts as fake news because more emphasis is placed on the intention underlying fake news. It is also the reason their position is indicated in italics in the truth-value column of the table, even though they do allow that fake news need not be outright false.

Howard: Howard invents and publishes a story accusing a prominent politician of murder. The claims are completely unsubstantiated, Howard has no evidence supporting the claims and his motivation for publishing them is not to inform the public about true facts, but rather to harm the accused politician politically (alternatively, the motive could also be financial gain). However, unbeknownst to Howard, it emerges after the publication that the story was correct and said politician is in fact a murderer.

Does the epistemic luck the publisher benefits from here prevent us from calling the story “fake news”? I believe that it does not and that it would be correct to label it “fake news”.⁹ Howard does everything in his power to produce an item of fake news. It should be noted that the likelihood of such a scenario is rare: While it is easily imaginable that fake news can accidentally be true in parts, it would take an enormous amount of coincidence for it to be completely true across the board. If a fake news story is correct in identifying a politician as a murderer by dumb luck, but makes several factually incorrect statements regarding the alleged murder (misidentifying the victim, the date of the murder, the murder weapon or other important details), the story would still be factually inaccurate. The chances of a fake news story being unreservedly true are quite small. In the rare cases it does happen, I am willing to bite the bullet and maintain it is still fake news because I value the intent behind the story as more relevant and want to safeguard my account of fake news against cases of luck.

- *Is the intentionality underlying fake news relevant? Does fake news have to be deliberately misleading or could it also be produced accidentally?*

My position is that intentionality is key for fake news and that the intent underlying it needs to be deliberately misleading. The charge of fake news is farther reaching than merely claiming that a news story is inaccurate. It is one which claims that the story in question is somehow undermining the integrity of news itself. It is a harsher and more specific judgment than charging someone with producing bad news in the sense of poor quality or shoddy journalism. Both of those things can have adverse consequences, but they also could happen unintentionally and due to bad luck.

This is not to say that one could not be blameworthy for producing bad or false news. However, it should alert us to the fact that by labelling a story “fake news” one implies an intention to mislead. Fake news is not misleading by accident but rather, it is misleading on purpose. It should again be noted that we are using a broad conception of misleading here, which includes both lying and Frankfurtian bullshit. We are also using misleading as an action and in this case a deliberate

⁹ This can be compared to accounts of lying in which the intention to say something false is not cancelled out by accidentally telling the truth (e.g. Lackey 2013; Williams 2002).

action, rather than a property (although fake news often has the property of *being* misleading as well), which means that misleading need not be understood as a “success term” (D’Agostini 2019, 57).

Finally, it is important to note what fake news misleads about. While fake news can have the property of being misleading about its content in many ways, it always misleads in a specific way: fake news misleads about *its own status as news*. It is a necessary condition of fake news that it deliberately misleads (as an action) its recipients about whether it should be considered news. This condition manages to eliminate news stories which have epistemic defects such as being inaccurate but are not intentionally misleading from the label “fake news”. It further explains why the Howard scenario is still an instance of fake news, even if its content is completely true: Howard is still misleading, if not about the content, then about the fact that he is in a position to report something as news when he (epistemically) isn’t.

It should also be enough to eliminate satirical instances of fake news on its own, since publications such as *The Onion* make it clear that they are or have a long-running reputation as satire. At the same time, it prevents satire from being a carte blanche excuse for fake news publishers, since the satire defence only works if publishers are upfront about their satirical intent. If publishers fail to do so, claiming they published fake news as satire will not work as a valid defence. And since we are judging the intentionality underlying fake news as opposed to the outcome, people who are misled (in the sense of a property) by satirical articles such as those published by *The Onion* do not cause *The Onion* to be regarded as “fake news”, since it has announced its satirical intent very clearly and openly.

- *Does fake news need to be consumed by a minimum amount of people in order to be considered fake news?*

This claim is mainly put forth by Gelfert (2018) and Pepp, Michaelson, and Sterken (2019b), as well as Rini (2017) who proposes the weaker claim that fake news needs to aim at being read by a large audience, although it is irrelevant whether it is successful in achieving this goal. The claim seems unintuitive to me, but there might be reasons why it appears appealing to others. Most observers are worried about fake news because of the potential harm it can cause and maybe fake news stories which reach a widespread audience are more likely to cause harm than ones which have lower circulation. This seems plausible, but it does not constitute a reason to disregard fake news which has reached a smaller number of recipients. Furthermore, it also assumes that a greater quantity of people harmed by fake news will always trump the quality of how badly they are harmed. Compare the following two scenarios:

Independence Day: A fake news story convinces its readers that the Independence Day of Sri Lanka takes place on the 4th of July (when in reality, it is the 4th of February). Assume the story meets all the criteria for fake news and also clears whatever threshold one has determined as the necessary minimum audience for fake news.¹⁰ The recipients of the story are comparatively worse off epistemically, because they now hold a false belief (about the date of Sri Lanka's Independence Day). Yet the negative impact of this false information is minimal for the readers, even though they are numerous.

Pizzagate II: A fake news story claims that a politician is operating an underground sex trafficking ring from beneath a restaurant. The story is factually inaccurate, it fulfils all the necessary criteria for fake news, but it is read only by a single reader, which means it clearly falls short of whatever minimal audience threshold has been established. However, the single reader of this story is so enraged by its content, that he decides to investigate the restaurant on his own and starts shooting at the confused staff of it.¹¹

Although fake news circulating the Pizzagate conspiracy theory was read by many and would presumably have passed a minimum audience threshold, it is worth asking if the Pizzagate story would cease to be fake news if it was read only by a single recipient. Even if it was read only by one person, it would cause more significant harm than a more widely read fake news story regarding Sri Lanka's Independence Day. Fake news can cause harm even if it reaches only a single reader, which makes it questionable why one would set up a threshold of minimum readers, especially since establishing such a number would be arbitrary itself. There is no arbitrary minimum readership of news proper either; if a newspaper publishes a story online but nobody reads it, it does not cease to be news. It is sufficient that the story is (deliberately) published and some members of the public have access to it.

– *Is fake news dynamic? Can a story's status as fake news change over time?*

The notion of a 'dynamic' account of fake news is proposed by Gelfert (2018) and Pepp, Michaelson, and Sterken (2019b) in conjunction with the fact that they advocate for a minimum threshold of an audience for fake news. The latter are especially ardent in their defence of a dynamic account and flaunt this feature as an "advantage" of their account over others, which warrants a more in-depth discussion of it (Pepp, Michaelson, and Sterken 2019b, 89). The dynamic account of fake news is necessary to accommodate a minimum audience threshold, since it can explain how a story cannot be fake news on the day it is published and remain not fake news over a period of time until it has reached the minimum threshold of

¹⁰ Neither Gelfert (2018) or Pepp, Michaelson, and Sterken (2019b) determine what that threshold should be, although Pepp, Michaelson, and Sterken (2019b) stress that the number is context-dependent and not fixed.

¹¹ This scenario bares close resemblance to the real-life Pizzagate scenario (Robb 2016).

readers, at which point it becomes fake news. Since I have already rejected the notion of a minimum audience requirement, I am opposed to a dynamic account for this reason.

It is important to distinguish between the question what *is* fake news and what we *deem* fake news. For the latter, I am more than open to a dynamic account. Based on the evidence available to us, it will be reasonable to change our mind on whether a story is fake news quite often. Let us reimagine the situation of journalist Lois:

Lois II: Lois writes a story claiming that there is a link between drinking soft drink X and cancer, citing well-respected scientific sources. When the story is published, we have no reason to believe she published fake news; in fact, we believe it is good journalism and true. A year later, it is revealed that the scientific evidence Lois has based her article upon is false and that the scientists publishing the story were in fact working for the producer of a competing soft drink named Y. A year later, it is revealed that Lois had been bribed by company Y in a conspiracy to undermine their competitors and that she knew the science she was quoting was fraudulent.

At the point at which it is revealed the scientific evidence is false, we believe that the story is false and depending on how diligent we believe Lois was in her research, we might call it bad journalism or defend the quality of her work. We would still stop short of calling it “fake news”. But once it is revealed that Lois had known all along that the evidence she was citing was wrong and she deliberately published her article in an effort to mislead, we believe her story is fake news.

However, while our assessment of the story changed over time, the story was fake news from the moment it was published. A dynamic mindset is helpful when making judgments on whether something is fake news or not, since there is always the potential of new evidence about the story emerging, which could change our assessment. But it does not follow that our understanding of “fake news” is a dynamic concept. A story can be fake news without anyone being aware that it is (yet).

4 A Novel Account of Fake News

Taken together, the answers provided to questions in the previous sections can point us to a novel definition of “fake news”. Conforming with the strong consensus of existing definitions, we can agree that fake news misleads in a broad sense, which includes both lying and (Frankfurtian) bullshit. We can concur with the consensus opinion that fake news needs to be published and imitate fake news in style or form, at least to a minimal degree. In the previous section, I have argued

that while fake news is often false, it need not necessarily be so. While falsity is not a necessary condition of a definition of “fake news”, intentionality is. Specifically, the originators of fake news have the goal of intentionally misleading about fake news’ own status as news, aiming to pass off fake news as news proper when it either is not or they are not epistemically in a position to present something as news. It is this intention to mislead which lies at the heart of fake news. Furthermore, I have rejected the notions that fake news needs to be consumed by a minimum audience before it becomes fake news, or that our account of fake news needs to be dynamic. Based on these findings, I offer the following definition of “fake news”:

Fake news: *Fake news is misleading information intentionally published and presented as news which has the function of deliberately misleading its recipients about its status as news.*

This definition requires some additional explication. First of all, it needs to be reiterated that misleading is to be understood as an action rather than the property of being misleading in this definition. Fake news often has the property of being misleading as well, but only the action of misleading is a necessary condition of fake news. The action of misleading is more closely tied to intent and not a success term. And misleading is understood in a broad sense here, one which includes both lying and bullshitting in a Frankfurtian sense.

Furthermore, since intentionality is central to this definition, it is important to clarify whose intentions we are talking about. The intention of both the author *and* the publisher (in case they are not the same person) is relevant to fake news. It is enough that one of them is willing to deliberately mislead. There is an intention to mislead by the creators (author and/or publisher) about fake news’ status as news. Consumers of fake news who spread or circulate its claims, for instance in the form of reposting it on social media, need not have an intention to mislead while doing so, although they could have one.

Fake news is a type of disinformation as defined by Fallis (2015), as are other related concepts such as lying, (Frankfurtian) Bullshit, and propaganda. While all of them fall under the umbrella of disinformation, they are nevertheless distinct concepts. To Fallis, disinformation is a type of information itself, specifically it is “nonaccidentally misleading information [which] is *likely* to create *false beliefs*” (2015, 406). While fake news need not always create false beliefs, it is likely that it does. My definition of fake news aligns well with Fallis’ (2015) definition of disinformation because it too relies upon the function of being misleading. Fallis defines function as “the action for which a person or thing is particularly fitted or employed [...] the distinguishing feature of disinformation is that its function is to mislead people” (2015, 413).

As Fallis (2015) notes, having the function to mislead does not mean that misleading is the only or even the ultimate purpose of disinformation (or fake news), it could also serve as a means to a different end. Fallis distinguishes between two ways in which something can acquire a function: it can have the function which it “*evolved to do*” (such as a heart pumping blood) or it can have the function it “*was designed to do*” (in the case of an artificial heart pumping blood) (2015, 413). Fake news has the function to mislead about its own status as news because that is what it was *designed* to do. Even if it does not mislead about the content itself (although it most often does), it is designed to mislead about whether it is news or not. However, one important difference to Fallis (2015) is that misleading in the case of fake news is to be understood as an action and not as a property, whereas disinformation encompasses both senses of misleading, making it a broader concept. Importantly, however, disinformation is not a “success term” for Fallis, meaning that disinformation remains disinformation even if it does not succeed at misleading (2015, 406). The same holds true for fake news: Since it is only the intention to mislead (about its own status as news) which lies at the heart of fake news, its status as fake news remains intact even if it fails to convince anyone.

‘Presented as news’ is operating with a broad understanding of what constitutes news, meaning it includes any media or platform which can reasonably be seen as news. What is reasonably seen as news can change over time, what matters is if the piece of fake news could be seen as news at the time it is published. Most importantly, this means that even media not traditionally viewed as news sources, such as social media, can be seen as news. Since more than half of all Americans have digital platforms as their preferred news source according to a Pew Research Center report in 2021, and social media and even podcasts are featured as common news sources, it would be wrong not to include these sources in our understanding of news (Shearer 2021). This is especially true since social media and the internet in general are prolific tools for the dissemination of fake news (McIntyre 2018).

Comparing my own definition against the table of existing fake news definitions, there is only one which matches my position on all the sub-conditions. That is the account of Fallis and Mathiesen (2019), which posits that fake news is best understood as counterfeit news. Their definition holds that “a story is fake news if and only if it is not genuine news, but is presented as genuine news, with the intention and propensity to deceive” (Fallis and Mathiesen 2019, 8). Indeed, our definitions seem to have a very similar understanding of the phenomenon, one which locates the most central aspect of fake news in the way it misleads about its own status as news, or in the terminology of Fallis and Mathiesen (2019), whether it is genuine news. In this sense, their account is clearly closest to mine.

Given that a significant portion of this paper has evaluated existing accounts of fake news, the question arises whether it would suffice to merely endorse Fallis and Mathiesen's (2019) definition. To a large degree, I am willing to support their account and in general, I believe the phenomenon of fake news would be better understood along the lines of counterfeit news. However, there is one small but not insignificant difference between our views. This regards Fallis & Mathiesen's understanding of genuine news, which they define as:

“stories which have gone through the *standard modern journalistic process*. That is, genuine news has been produced by professionally trained reporters, fact checkers, and editors, who are attempting to provide fair and accurate accounts of current events” (2019, 8).

The standard for genuine news Fallis & Mathiesen have committed themselves to seems problematic to me for several reasons. On the one hand, as they themselves admit, they do not offer “a precise analysis of what the standard modern journalistic process consists in” (Fallis and Mathiesen 2019, 10).¹² However, they believe that while people might disagree on who adheres to the ‘standard modern journalistic process’ for ideological reasons, what the standard modern journalistic process is itself is a neutral question, on which it should be easier to find common ground. I believe this view is overly optimistic. First of all, ideological differences might mar our joint understanding of what the standard modern journalistic process is or should be as well. Furthermore, it is unclear if the average person even has any strong opinions on what the standard modern journalistic process constitutes. Even if not impeded by ideological differences, our views on what should constitute the standard modern journalistic process might be too divergent to form a coherent concept.

Most importantly, however, the standard as it is conceived by Fallis & Mathiesen seems much too demanding. Essentially, it claims that news is only genuine news if it is mainstream news, or at least able to perfectly imitate mainstream news’ *modus operandi*. This strikes me as too narrow a definition of news. And by extension, it means that only counterfeit news which aims to pass as mainstream news is actually fake news. Again, this appears to be too rigid and narrow a demand. It is possible for people to produce genuine news which falls short of being produced by professional journalists, editors, and fact-checkers. This is especially true in the social media age: As we have seen, a majority of people (at least in the US, and it can be assumed similar trends hold true for the rest of the

¹² Pepp, Michaelson, and Sterken also offer a definition of “fake news” which hinges upon “standard journalistic practices” (2019b, 69). Since I reject other requirements of their account, such as the minimum audience threshold and the dynamic account, I focus my argument on Fallis and Mathiesen’s (2019) view of standard journalistic practices here.

world even if the exact numbers might differ) consume news on online platforms and a significant portion of them use social media.

If we take a broader view of news, we are able to capture more alternative media such as social media platforms and podcasts, of which we know that people actually use them as news sources. I think it would be too harsh to claim these platforms are not news just because they are not traditional, mainstream media. And in the same token, it would be foolish not to assume that a significant portion of fake news does not aim to imitate alternative news sources and function as a counterfeit version of it. In many ways, this might be one of the appeals of fake news in the first place: The fact that it eschews the standards of mainstream media and offers an alternative to it. If this is true, then imitating standard modern journalistic standards would not always be in the interest of fake news. There are certainly cases in which fake news will function as a counterfeit version of mainstream news produced by standard modern journalistic standards. But it would be foolish to ignore instances of counterfeit news which imitate alternative news sources. For this reason, I prefer to operate with a broad understanding of news for my own definition. And for this reason, I choose to distinguish my own account from that of Fallis and Mathiesen (2019), despite our basic understanding of fake news being very similar.

5 Conclusion

While fake news is not a new phenomenon, it is becoming increasingly widespread, in part because of the ease with which it is disseminated online. This spread is a worrying trend and in order to combat fake news, we need a clearer understanding of the phenomenon. This paper has offered a new definition of “fake news”, one which builds upon existing philosophical definitions of the concept and attempts to answer the questions which remain controversial within the current literature. It eschews the importance of the truth value of fake news and denies the need of a minimum audience requirement for fake news. Instead, the definition hinges upon the intention to mislead on the part of the creator(s) of fake news, specifically the intention to mislead about fake news’ status as news. This definition marks fake news as a type of disinformation as defined by Fallis (2015). While it is worth discussing the dangers of disinformation as a whole, it is important to understand what fake news is in particular in order to properly combat it. This definition should provide a first step in this direction, since it offers us a clear understanding of the phenomenon. It should also help shed light on the current philosophical debate on the proper definition of “fake news” by providing an overview of existing accounts.

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